

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

LARRY GENE HEGGEM,)	CASE NO. C07-1012-MJP-MAT
)	
Plaintiff,)	
)	
v.)	ORDER DENYING PLAINTIFF'S
)	THIRD MOTION FOR
ANDREA MATHERN, et al.,)	APPOINTMENT OF COUNSEL
)	
Defendants.)	
_____)	

The Court, having reviewed plaintiff's third motion for appointment of counsel, and the balance of the record, does hereby find and ORDER:

(1) Plaintiff's third motion for appointment of counsel (Dkt. No. 43) is DENIED. As plaintiff has been advised on two prior occasions, there is no right to have counsel appointed in cases brought under 42 U.S.C. § 1983. Although the Court, under 28 U.S.C. § 1915(e)(1), can request counsel to represent a party proceeding *in forma pauperis*, the Court may do so only in exceptional circumstances. *Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th Cir. 1986); *Franklin v. Murphy*, 745 F.2d 1221, 1236 (9th Cir. 1984); *Aldabe v. Aldabe*, 616 F.2d 1089 (9th Cir. 1980). A finding of exceptional circumstances requires an evaluation of both the likelihood of

01 success on the merits and the ability of the plaintiff to articulate his claims pro se in light of the
02 complexity of the legal issues involved. *Wilborn*, 789 F.2d at 1331.

03 Plaintiff has neither demonstrated a likelihood of success on the merits nor shown that, in
04 light of the complexity of the legal issues involved, he is unable to articulate his claims pro se.
05 Thus, plaintiff has not demonstrated that this case involves exceptional circumstances which
06 warrant appointment of counsel at the present time.

07 (2) The Clerk shall send copies of this Order to plaintiff, to counsel for defendant, and
08 to the Honorable Marsha J. Pechman.

09 DATED this 20th day of May, 2008.

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11 Mary Alice Theiler
12 United States Magistrate Judge
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